

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 MIGUEL A. NERI  
FIEL D. TIGNO  
3 Supervising Deputy Attorneys General  
DAVID A. CARRILLO, State Bar No. 177856  
4 MICHAEL D. GOWE, State Bar No. 226989  
Deputy Attorneys General  
5 1515 Clay Street, 20<sup>th</sup> Floor — P.O. Box 70550  
Oakland CA 94612-0550  
6 Tel: (510) 622-2215  
Fax: (510) 622-2121  
7 Email: fiel.tigno@doj.ca.gov  
davida.carrillo@doj.ca.gov  
8 michael.gowe@doj.ca.gov

9 Attorneys for Defendants

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 PATRICK M. McCOLLUM, et al.,

14 Plaintiffs,

15 v.

16  
17 CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION, et al.,

18 Defendants.

Case No. C04-3339 CRB

STIPULATION TO DISMISS  
CERTAIN INDIVIDUAL CAPACITY  
DEFENDANTS

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TO THE HONORABLE COURT AND THE CLERK OF THE COURT:


TAKE NOTICE THAT the undersigned counsel of record for plaintiffs and defendants hereby stipulate and request that the Court enter the following order forthwith:

All defendants sued in this action in their individual capacities, with the exception of Sabrina Johnson and Barry Smith (as to both plaintiff McCollum and the inmate plaintiffs) and Protestant Chaplain Stewart (as to the inmate plaintiffs only), hereby are DISMISSED with prejudice from this action. Parties sued in their official capacities are unaffected by this order. No party will be liable for any other party's attorneys' fees or costs of suit by reason of this dismissal. No party will be considered a prevailing party by reason of this dismissal.

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Dated: October 28, 2008

By:   
David C. Kiernan, Esq.  
Attorneys for Plaintiffs

Dated: October 21, 2008

By:   
David A. Carrillo, Deputy Attorney General  
Attorneys for Defendants

Based on the agreement of the parties, and good cause appearing, it is SO ORDERED.

Dated: October 31, 2008

Charles R. Breyer  
United States District Judge

